

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
MONICA MILLER, :  
RESPONDENT. :

0004184

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Division of Legal Services and Compliance Case No. 14 REB 028

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Monica Miller  
2459A W. Medford Avenue  
Milwaukee, WI 53206

Wisconsin Real Estate Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Monica Miller (dob 10/21/1976) is licensed in the State of Wisconsin as a real estate salesperson, having license number 77267-94, first issued on June 6, 2013 and expired as of December 15, 2014. Monica Miller's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2459 W. Medford Avenue, Milwaukee, WI 53206.

2. Prior to January 1, 2014, Respondent was employed by Milwaukee's Best Real Estate Services, LLC, a Wisconsin licensed real estate business entity. Respondent's

employment was terminated in late 2013. Since that time, Respondent has not been employed by a broker or real estate business entity.

3. On January 22, 2014, Respondent drafted on behalf of a buyer a WB-11 Residential Offer to Purchase a property located at 10820 W. Stark Street, Milwaukee, Wisconsin.

4. In the Offer to Purchase, Respondent represented herself as “Monica Miller – Best Real Estate.”

5. Respondent did not check the box on the WB-11 form to indicate that the buyer’s offer was a secondary offer.

6. Respondent did not indicate on lines 1-2 of the WB-11 form that she was acting as the buyer’s agent.

7. Between at least January 2014 and March 2014, Respondent’s LinkedIn profile stated she was a “Realtor/Sales Person” for Shorewest Realtors in Milwaukee, Wisconsin. In fact, Respondent has never been employed at Shorewest Realtors in Milwaukee.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 452.14, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Monica Miller violated Wis. Admin. Code § REEB 16.06(8) by failing to use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual intent of the person for whom the licensee uses the forms and prepares the addenda.

3. By the conduct described in the Findings of Fact, Monica Miller violated Wis. Admin. Code § REEB 17.03(4) by engaging in real estate practice without being employed by a broker.

4. By the conduct described in the Findings of Fact, Monica Miller violated Wis. Admin. Code § REEB 24.03(2)(b) by failing to act to protect the public against fraud, misrepresentation and unethical practices.

5. As a result of the above violations, Monica Miller is subject to discipline pursuant to Wis. Stat. § 452.14(3)(b), (g), and (L).

#### ORDER

1. The attached Stipulation is accepted.

2. The VOLUNTARY SURRENDER of Monica Miller's right to renew her Real Estate Salesperson license (number 77267-94) is hereby ACCEPTED.

3. Respondent shall not re-apply for licensure for a period of five (5) years following the date of this Order.

4. Should Respondent re-apply for licensure:

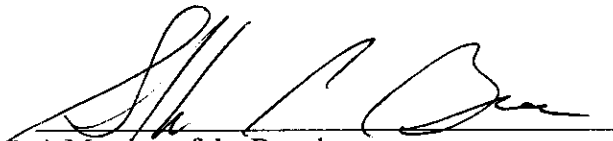
- a. Respondent shall pay the COSTS of this matter in the amount of \$660.00 before any such application may be considered.
- b. Respondent shall submit a new application for licensure and meet all requirements for licensure or certification existing at the time of the application.
- c. The Board may determine whether and under what terms and conditions such licensure may be granted.

5. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a revocation of Respondent's right to re-apply for a license. In its discretion the Board may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

6. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE EXAMINING BOARD

by:

  
A Member of the Board

8-13-15  
Date

STATE OF WISCONSIN  
BEFORE THE REAL ESTATE EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MONICA MILLER,  
RESPONDENT.

STIPULATION

000418<sup>h</sup>

Division of Legal Services and Compliance Case No. 14 REB 028

Respondent Monica Miller and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Real Estate Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Monica Miller, Respondent  
P.O. Box 091446  
Milwaukee, WI 53209  
License no. 77267-94

07.29.15  
Date



Andrea E. Brauer, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

7-30-15  
Date